

# EXHIBIT 3

1 Page 1

2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF GEORGIA  
4 ATLANTA DIVISION

5 Civil Action No. 1:17-cv-02989-AT

6 DONNA CURLING, et al.,

7 Plaintiffs,

8 vs.

9 BRAD RAFFENSPERGER, et al.

10 Defendants.

11 VIDEOTAPED DEPOSITION OF

12 CATHLEEN LATHAM

13 August 8, 2022

14 10:15 a.m.

15 Warner Robins, Georgia

16  
17 Laura M. MacKay, RPR, CCR-B-1736

18 (Appearing remotely)

19

20

21

22

23

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1           Q. So the address you gave me earlier in  
2 Douglas, is that the only address you've ever lived  
3 at in Georgia?

4           A. Except for a temporary rental house and I  
5 do not remember that address.

6           Q. When did you retire teaching?

7           A. May 2021.

8           Q. So you taught in Georgia. When you went to  
9 Troy, did you take time off from teaching for that  
10 or did you do them both at the same time?

11          A. I did them both at the same time.

12          Q. Do I understand you taught economics?

13          A. Yes.

14          Q. Are you currently employed?

15          A. I just teach adjunct. Right now I'm not  
16 working.

17          Q. Where do you teach adjunct?

18          A. Georgia Virtual.

19          Q. And sorry, what is Georgia Virtual?

20          A. Virtual school for Georgia.

21          Q. Virtual school for Georgia high schools?

22          A. Uh-huh.

23          Q. Sorry. Is that a "yes"?

24          A. Yes, I'm sorry.

25          Q. That's okay.

1                   And these are public schools, private or  
2 both?

3                   A. It's for the Department of Education of  
4 Georgia.

5                   Q. And you do that virtually from Texas?

6                   A. I can do it virtually from anywhere.

7                   Q. And is that economics?

8                   A. Yes.

9                   Q. Have you been employed by anyone in Georgia  
10 other than teaching at Coffee County department of  
11 education?

12                  A. No.

13                  Q. Have you had any other jobs since  
14 graduating college beyond the teaching jobs you  
15 described?

16                  A. I was a nanny, I was a stay-at-home mom.  
17 These are all while I was in Pennsylvania. I just  
18 did odd jobs trying to be a stay-at-home mom, and I  
19 also did substitute teaching.

20                  Q. No other jobs in Georgia?

21                  A. No. Not -- no.

22                  Q. You were at some point the Coffee County  
23 Republican Party chair; is that right?

24                  A. Yes.

25                  Q. How long did you serve as the chair?

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1 MR. CHEELEY: You know what to --

2 A. On the advice of lawyers, I respectfully  
3 decline to answer on the basis of my rights and  
4 privileges under Article 1, Section 1, Paragraph 16  
5 of the Georgia Constitution, the Fifth Amendment of  
6 the United States Constitution and Georgia law.

7 As the United States Supreme Court has  
8 stated, the privilege against testifying protects  
9 everyone, including innocent people from answering  
10 questions if the truth might be used to help create  
11 a misleading impression that they were somehow  
12 involved in improper conduct.

13 I was previously labelled as a witness of  
14 another investigation and agreed to cooperate, but  
15 the District Attorney's Office has now labelled me a  
16 target, and so I very reluctantly follow the advice  
17 of my counsel and I decline to testify or answer  
18 questions in this deposition.

19 BY MR. CROSS:

20 Q. Ms. Latham, are you worried that indicating  
21 the dates that you served as the chair of the Coffee  
22 County Republican Party may incriminate you?

23 A. On the advice of counsel, I decline to  
24 testify for the reasons I've previously stated.  
25 Thank you.

1           Q. Ms. Latham, do you understand that when you  
2 assert a Fifth Amendment in a civil litigation the  
3 court can infer that you are -- that you did in fact  
4 commit whatever offense you are concerned about?

5           A. On the advice of counsel, I decline to  
6 testify for the reasons I previously stated.

7           Q. How did you obtain your position as Coffee  
8 County Republican Party chair?

9           A. On the advice of counsel, I decline to  
10 testify for the reasons I previously stated.

11           MR. CROSS: Just to make this go faster,  
12 Mr. Cheeley, if she's going to assert a  
13 response to all of the questions, if she just  
14 says "Fifth Amendment invocation," that will  
15 encompass her prior statement. Is that okay?

16           MR. CHEELEY: Very well.

17 BY MR. CROSS:

18           Q. Ms. Latham, did you previously serve as the  
19 Georgia GOP under 80,000 caucus chair?

20           A. Fifth Amendment.

21           Q. And when did you serve as that chair?

22           A. Fifth Amendment.

23           Q. What is the role of the caucus -- of that  
24 caucus in the state -- in the Republican Party of  
25 Georgia?

1 A. Fifth Amendment.

2 Q. How did you obtain that position?

3 A. Fifth Amendment.

4 Q. What is the role of the caucus chair?

5 A. Fifth Amendment.

6 Q. In your time serving as the caucus chair,  
7 did you ever hear about problems with the Dominion  
8 voting system in Georgia?

9 A. Fifth Amendment.

10 Q. Did you at any point report or convey any  
11 problems to any election officials in the state of  
12 Georgia?

13 A. Fifth Amendment.

14 Q. Did you at any point serve on a state  
15 Republican executive committee?

16 A. Fifth Amendment.

17 Q. What was your role on that committee?

18 A. Fifth Amendment.

19 Q. When did you leave that position?

20 A. Fifth Amendment.

21 Q. How long did you serve in that position?

22 A. Fifth Amendment.

23 Q. Do you know someone named Burt Jones?

24 A. Fifth Amendment.

25 Q. Do you have any relationship with

1 "I don't know." What did you mean by that?

2 A. I've never seen this until it was in the  
3 subpoena. So therefore, I don't know who prepared  
4 it. I've never seen it. I don't even know what  
5 it's talking about until I read it the very first  
6 time, period.

7 BY MR. CROSS:

8 Q. Okay. Mrs. Latham, grab Exhibit 2 again if  
9 you would. It's the document subpoena from the  
10 Coalition.

11 A. The thick one?

12 Q. Yes, ma'am.

13 A. Yes, sir.

14 Q. If you turn to the back, you will see  
15 Exhibit 1 is the December 16, 2020, draft executive  
16 order we just looked at. Do you see that?

17 A. Uh-huh.

18 Q. And then if you turn a few pages in to that  
19 you will see where there's a date at the top  
20 December 17, 2020?

21 A. Yeah.

22 Q. And so you'll see here there's a second  
23 document entitled, "Presidential Findings to Seize,  
24 Collect, Preserve and Analyze National Security  
25 Information Regarding the 2020 General Election."

1 A. Where -- where are you reading?

2 Q. The title just under December 17 [sic],  
3 2020?

4 A. Oh, sorry, okay.

5 Q. That's okay. Do you see that?

6 A. I was looking for that paragraph.

7 Q. Do you see where I'm at?

8 A. Yes, I do.

9 Q. Had you seen this document before you  
10 received the subpoena?

11 A. No, sir.

12 Q. Do you have any -- is there any information  
13 you can tell me about how this document was  
14 prepared?

15 A. No, sir.

16 Q. Did you have any involvement with anyone  
17 who might have been involved in preparing this  
18 document?

19 A. No, sir.

20 MR. CROSS: All right. Why don't we  
21 take a quick break. We'll go off the record.

22 THE VIDEOGRAPHER: Off the video record  
23 at 11:41 a.m.

24 (Recess 11:42 a.m.-12:09 p.m. )

25 THE VIDEOGRAPHER: Back on the video

1 record at 12:09 p.m.

2 BY MR. CROSS:

3 Q. Mrs. Latham, do you understand you're still  
4 under oath?

5 A. Yes, sir.

6 Q. You were in Washington DC on or around  
7 December 17 of 2020, correct?

8 A. I don't remember what days I went.

9 Q. Do you recall being in DC in December of  
10 2020, right?

11 A. Yes.

12 Q. And you spent some time at the Willard  
13 Hotel while you were there?

14 A. That's where I slept, yes.

15 Q. And your attorney Preston Haliburton was  
16 there with you, correct?

17 A. No. Not at the Willard.

18 Q. Mr. Haliburton was never at the Willard in  
19 December of 2020 with you?

20 A. No, sir. Not that I can recall, no.

21 Q. But you're aware that there was a war room  
22 set up at the Willard Hotel in December of 2020 by  
23 individuals associated with the Trump campaign to  
24 look for evidence of election fraud; is that right?

25 MR. CHEELEY: Counsel, I have an e-mail

1                   from -- here from last week where it said  
2                   that the questions today would only be  
3                   relating to the January 2021 runoff election  
4                   and nothing to do with November 2020. So are  
5                   you not going to honor that?

6                   MR. CROSS: Well, you're reading it much  
7                   more narrow. That's not what we said.

8                   MR. CHEELEY: It is what you said.

9                   MR. CROSS: It's not, and this relates  
10                  to potentially the Coffee County intrusion  
11                  which is what I'm trying to understand. But  
12                  I also say that that deal was offered in  
13                  exchange for substantive testimony.

14                  We showed up here today incurring  
15                  thousands of dollars in expense for you to  
16                  tell me that she's now going to assert the  
17                  Fifth.

18                  MR. CHEELEY: No, I always told you that  
19                  she would assert the Fifth.

20                  MR. CROSS: Absolutely did not. I'm not  
21                  going to argue with you now. If she was  
22                  going to assert the Fifth, we didn't need to  
23                  negotiate scope at all. And so she may end  
24                  up paying our fees and costs today, but we'll  
25                  deal with that later.

1 MR. CHEELEY: No, she won't.

2 MR. CROSS: We'll deal with that later.

3 BY MR. CROSS:

4 Q. Ms. Latham, my question to you is, you were  
5 aware that there was a war room set up by  
6 individuals associated with the Trump campaign at  
7 the Willard Hotel purportedly looking for election  
8 fraud, right?

9 A. Fifth Amendment.

10 Q. Were you ever in that war room?

11 A. Fifth Amendment.

12 Q. What IT individuals did you meet with while  
13 you were in DC in December of 2020?

14 A. Fifth Amendment.

15 Q. Do you remember telling Marilyn Marks on  
16 December 17, 2020, that you were in DC meeting with  
17 IT?

18 A. Fifth Amendment.

19 Q. Who were those individuals you were meeting  
20 with at that time?

21 A. Fifth Amendment.

22 Q. So you were in DC staying at the Willard  
23 Hotel on or around December 17, 2020, the same day  
24 that one of the two executive order -- draft  
25 executive orders was drafted and you're saying today

1 that you can't tell us anything about your  
2 involvement with that; is that right?

3 A. Fifth Amendment.

4 Q. Who else was with you in DC in December of  
5 2020?

6 A. Fifth Amendment.

7 Q. Bill Ligon was there, right?

8 A. Who?

9 Q. L-I-G-O-N. Is it Ligon, Ligon  
10 [pronouncing], Bill Ligon?

11 A. Fifth Amendment.

12 Q. Ms. Latham -- Mrs. Latham, are you or have  
13 you been under investigation by any federal or state  
14 authorities?

15 A. Fifth Amendment.

16 Q. Are you being or have you been called to  
17 testify in any federal or state grand jury  
18 proceeding?

19 A. Yes, that's why I'm claiming my Fifth  
20 Amendment.

21 Q. What is that proceeding?

22 A. Fifth Amendment.

23 Q. How does that proceeding relate to this  
24 case?

25 A. Fifth Amendment.

1           Q. Do you know whether that proceeding relates  
2 to this case?

3           A. Fifth Amendment.

4           Q. When were you called to testify before a  
5 federal or state grand jury proceeding?

6           A. Fifth Amendment.

7           Q. Is it a federal or state proceeding?

8           A. Fifth Amendment.

9           Q. When did you first learn of that  
10 proceeding?

11          A. Fifth Amendment.

12          Q. Have you provided testimony already?

13          A. Fifth Amendment.

14          Q. Has anyone offered you any sort of immunity  
15 in exchange for cooperation with any investigation?

16          A. Fifth Amendment.

17          Q. Have you sought immunity?

18          A. Fifth Amendment.

19          Q. Are you cooperating with any federal or  
20 state investigation?

21          A. Fifth Amendment.

22          Q. Have you been charged with any crime  
23 regarding any matter in which you claim Fifth  
24 Amendment privilege today?

25          A. Fifth Amendment on my Fifth Amendment.

1           Q. Has anyone suggested to you you might be  
2 charged with a crime with respect to any topic we've  
3 covered that you have asserted the Fifth Amendment  
4 to today?

5           A. Fifth Amendment.

6           Q. Why were you in DC in December of 2020?

7           A. Fifth Amendment.

8           Q. Can't tell me anything at all about why you  
9 were there?

10          A. Fifth Amendment.

11          Q. Were you there to commit a crime?

12          A. Fifth Amendment.

13          Q. Did you commit a crime while you were in DC  
14 in December of 2020?

15          A. Fifth Amendment.

16          Q. Are you aware of anyone who committed a  
17 crime in December of 2020 in DC?

18          A. Fifth Amendment.

19          Q. How did you assist individuals associated  
20 with the Trump campaign to find aborted evidence of  
21 election fraud involving the November of 2020  
22 election?

23          A. Fifth Amendment.

24          Q. Why did you assist with that?

25          A. Fifth Amendment.

1 CERTIFICATE

2 STATE OF GEORGIA:

3 COUNTY OF FULTON:

4 I hereby certify that the foregoing  
5 transcript was taken down, as stated in the caption,  
6 and the colloquies, questions and answers were  
7 reduced to typewriting under my direction; that the  
8 transcript is a true and correct record of the  
9 evidence given upon said proceeding.

10 I further certify that I am not a  
11 relative or employee or attorney of any party, nor  
12 am I financially interested in the outcome of this  
13 action.

14 I have no relationship of interest in  
15 this matter which would disqualify me from  
16 maintaining my obligation of impartiality in  
17 compliance with the Code of Professional Ethics.

18 I have no direct contract with any  
19 party in this action and my compensation is based  
20 solely on the terms of my subcontractor agreement.

21 Nothing in the arrangements made for  
22 this proceeding impacts my absolute commitment to  
23 serve all parties as an impartial officer of the  
24 court.

25 This the 11th day of August 2022.

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LAURA M. MACKAY, CCR-B-1736